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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/780,824	02/17/2004	Edward G. Tiedemann JR.	030525	3723
23696 7590 12/26/2007 QUALCOMM INCORPORATED 5775 MOREHOUSE DR. SAN DIEGO, CA 92121			EXAMINER RIZK, SAMIR WADIE	
			ART UNIT 2112	PAPER NUMBER
			NOTIFICATION DATE 12/26/2007	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

us-docketing@qualcomm.com
kscanla@qualcomm.com
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Office Action Summary

Application No.

10/780,824

Applicant(s)

TIEDEMANN ET AL.

Examiner

Sam Rizk

Art Unit

2112

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 October 2007.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 and 40-63 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23, 40-63 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>10/15/2007</u> . | 6) <input type="checkbox"/> Other: _____ |

RCE AFTER ALLOWANCE

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after allowance or after an Office action under *Ex Parte Quayle*, 25 USPQ 74, 453 O.G. 213 (Comm'r Pat. 1935). Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, prosecution in this application has been reopened pursuant to 37 CFR 1.114. Applicant's submission filed on 10/15/2007 has been entered.

DETAILED ACTION

- Response to the applicant's RCE dated 10/15/2007
- Claims 24-39 have been Cancelled
- Claims 1-23 and 40-63 have been submitted for examination
- Claims 1-23 and 40-63 have been rejected

1. Indication of Allowance in the office action mailed on 7/16/2007 has been withdrawn in view of the new ground(s) of rejection.

Claim Objections

2. Claims 60-63 are objected to because of the lack of antecedence in section [00189] in the specification. For example claim 60, line 1 should read:
"Computer readable storage media."
3. Claims 61-63 are objected to for the same reasons as per claim 60.
Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-23 and 40-63 are rejected under 35 U.S.C. 102(e) as being anticipated by Danfu US patent no. 6904286 (Hereinafter Danfu).
5. In regard to claim 1, Danfu teaches:
 - (Original) An apparatus, comprising:
 - a message generator for:
 - generating a first message comprising an acknowledgment indicator and a rate control indicator; and

(Note col. 5, lines (16-18) in Danfu)

- generating a second message conditioned on the rate control indicator.

(Note col. 5, lines (18-32) in Danfu)

6. In regard to claim 2, Danfu teaches:

- (Original) The apparatus of claim 1, wherein the second message comprises a rate control command.

(Note col. 5, line (21) in Danfu)

7. In regard to claim 3, Danfu teaches:

- (Original) The apparatus of claim 2, wherein the rate control command is one of a plurality of values, wherein one or more of the plurality of values indicates a rate increase.

(Note: FIG. 5 in Danfu)

8. In regard to claim 4, Danfu teaches:

- (Original) The apparatus of claim 2, wherein the rate control command is one of a plurality of values, wherein one or more of the plurality of values indicates a rate decrease.

(Note: FIG. 5 in Danfu)

9. In regard to claim 5, Danfu teaches:

- (Original) The apparatus of claim 2, wherein the rate control command is one of a plurality of values, wherein one or more of the plurality of values indicates a rate hold.

(Note: FIG. 5 in Danfu)

10. Claims 6, 7, 10, 19-23, 40, 41 and 54-63 are rejected for the same reasons as per claim 1.

11. In regard to claim 8, Danfu teaches:

- (Original) The apparatus of claim 6, wherein the receiver is further operable to receive one or more transmission requests and one or more autonomous transmissions, the apparatus further comprising a scheduler for allocating a shared resource in response to the one or more transmission requests and the one or more autonomous transmissions.

(Note col. 5, lines (16-32) in Danfu)

12. In regard to claim 11, Danfu teaches:

- (Original) The apparatus of claim 10, wherein the first signal comprises an acknowledgement.

(Note: FIG. 4, reference character (192) in Danfu)

13. In regard to claim 12, Danfu teaches:

- (Original) The apparatus of claim 10, wherein the second signal comprises a rate control command.

(Note: FIG. 3 in Danfu)

14. Claims 13, 46 and 49 are rejected for the same reasons as per 3.

15. Claims 14, 47 and 50 are rejected for the same reasons as per 4.

16. Claims 15, 48 and 51 are rejected for the same reasons as per 5.

17. In regard to claim 16, Danfu teaches:

- (Original) The apparatus of claim 10, further comprising a transmitter for transmitting a packet.

(Note: FIG. 1 in Danfu)

18. In regard to claim 17, Danfu teaches:

- (Original) The apparatus of claim 16, wherein the transmitter retransmits the packet when the first signal indicates the transmitted packet is not acknowledged.

(Note: FIG. 4 in Danfu)

19. In regard to claim 18, Danfu teaches:

- (Original) The apparatus of claim 16, wherein the second signal comprises a rate control command and the transmitter transmits a second packet at a rate determined in accordance with a rate control command.

(Note: FIG. 4 in Danfu)

20. In regard to claim 42, Danfu teaches:

- (Original) The method of claim 41, wherein the first signal comprises one of a first plurality of values, one of the first plurality of values indicating an acknowledgment of correct decoding and no rate control command.

(Note: FIG. 3 in Danfu)

21. In regard to claim 43, Danfu teaches:

- (Original) The method of claim 42, wherein the value indicating an acknowledgment of correct decoding and no rate control command revokes a prior grant.

(Note: FIG. 3 in Danfu)

22. In regard to claim 44, Danfu teaches:

- (Original) The method of claim 41, wherein the first signal comprises one of a first plurality of values, one of the first plurality of values indicating an acknowledgment of correct decoding and a rate control command.

(Note: FIG. 3 in Danfu)

23. In regard to claim 45, Danfu teaches:

- (Original) The method of claim 41, wherein the first signal comprises a value indicating no transmission corresponding to a negative acknowledgment of the decoded packet and no rate control command.

(Note: FIG. 3 in Danfu)

24. Claims 52 and 53 are rejected for the same reasons as per claim 2.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sam Rizk whose telephone number is (571) 272-8191. The examiner can normally be reached on M-F 8-5.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jacques Louis-Jacques can be reached on (571) 272-6962. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronics Business Center (EBC) at 866-217-9197 (toll-free)

Sam Rizk,

Examiner

ART UNIT 2112

Sam Rizk
12/14/07

Jacques Louis-Jacques
JACQUES LOUIS-JACQUES
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